IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6264 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE A.S.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJIVKUMAR GUPTA S/O OMPRAKASH GUPTA - Petitioner(s)
Versus
UNION OF INDIA & 2 - Respondent(s)

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Appearance :
MR RAMNANDAN SINGH for Petitioner(s) : 1,
NOTICE UNSERVED for Respondent(s) : 1,
MR PURVISH J MALKAN for Respondent(s) : 2,
MR RC JANI for Respondent(s) : 3,
MR BIPIN I MEHTA for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE A.S.DAVE

Date : 21/06/2007

ORAL JUDGMENT

Heard learned advocate Shri Ramnandan Singh, learned advocate appearing for the petitioner. No one is present on behalf of respondent No.1.

2. This petition under Article 226 of the Constitution of India is filed with a prayer to release all the due arrears of retirement benefits as early as possible and also to pay interest at the market rate i.e. 24% p.a. for belated payment.

3. Shri Singh, learned advocate for the petitioner has submitted that though the petitioner retired from the service of the respondents on 28.2.1997, till the date of filing of the petition i.e. on 12.8.1997, no retiral dues were paid to the petitioner. As the petitioner was serving in Indian Air Force and rendered 21 years of long service and as per the requirement of law, the petitioner was required to be issued with pension book (Pension Payment Order) at least within 60 days from the date of his retirement. Therefore, according to Shri Singh, learned advocate for the petitioner, the respondents ought to have paid the aforesaid retiral dues at reasonable rate of interest, since no departmental inquiry or any other proceedings were pending on the date of retirement.

4. In spite of the fact that this petition is filed

since August, 1997, no reply has been filed and no counsel has appeared and, therefore, this Court has to proceed in absence of any assistance from Union of India.

5. Having heard learned advocate appearing for the petitioner and though he is not sure when the actual payment is made towards the retiral dues after filing of the petition, Union of India is directed to pay 12% interest on the retiral dues from the date of retirement till the actual payment is made.

6. Since no other submissions are raised the petition is disposed of in the above terms. Rule is made absolute accordingly. No order as to costs.

[ANANT S. DAVE, J.]

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